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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,809	08/04/2003	Tsutomu Kiyono	116784	4610
25944	7590	05/02/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			QIN, JIANCHUN	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/632,809	KIYONO ET AL. 	
	Examiner	Art Unit	
	Jianchun Qin	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/08/04&08/04/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The Applicants are advised that possible restriction could be made against claim 22 because it is a separate invention. However, this claim is examined under the condition that this single claim does not cause significant burden to the Examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Suenaga (U.S. Pub. No. 20030188629).

Suenaga teaches an input device which outputs a signal by applying a beating input to an annularly-formed input area (Figs. 10 and 22; sections 0100, 0105 and 0106), wherein the input area includes a plurality of input sensors (57, 58) branched from a conductive section which transmits a signal as a first transmission path (sections 0105 and 0106), the conductive section being connected to at least one bypass member (section 106, lines 1-4 and lines 9-13) which is a second transmission path so

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that a plurality of paths for transmitting a signal from the input sensors are provided for the input device (sections 0105 and 0106).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Duncan et al. (U.S. Pat. No. 5980096).

With respect to claim 2, Duncan et al. teach an input device which outputs a signal by applying a beating input to a planar input area in a predetermined region (col. 1, lines 5-11; col. 2, lines 4-16; and col. 3, lines 1-35), wherein the input area includes a sheet-like input sensor which is disposed over the almost entire surface of the input area, the input sensor being divided into a plurality of sections (col. 2, lines 44-63 and col. 3, lines 51-66).

With respect to claim 4, Duncan et al. further teach inherently: when a boundary portion between the divided sections is beaten, it is determined that the beating input is applied to any one of the sections (col. 2, lines 44-63).

With respect to claim 6, Duncan et al. further teach inherently: the sheet-like input sensor in the input area is divided into two sections consisting of left-side and right-side sections, the input device having means for positioning the two sections at corresponding left -side and right-side locations (col. 2, lines 44-63; col. 6, lines 19-32).

5. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al. (U.S. Pat. No. 5438529).

Rosenberg et al. teach a program for playing a music game with a percussion instrument, wherein the game starts when an initially inputted beating operation signal is received as a start signal in a start acceptance state prior to starting the game (cols. 5-6, lines 60-16; cols. 10-11 40-46; and col. 15, lines 44-65).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suenaga (U.S. Pub. No. 20030188629) in view of Duncan et al. (U.S. Pat. No. 5980096).

With respect claims 3, 5 and 7, Suenaga teaches an input device having a planar-shaped first input area in a predetermined region and a second input area annularly formed around a periphery of the first input area (Figs. 10 and 22; sections 0056, 0100-0102 and 0105), the input device outputting different signals when beating inputs are applied to the first and second input areas, respectively (sections 0107 and 0108), wherein the first input area includes a first input sensor which can detect impacts

given rise onto the first input area (Fig. 22; section 0107), and wherein the second input area includes a plurality of second input sensors (57 and 58) branched from a conductive section which transmits a signal as a first transmission path, the conductive section being connected to at least one bypass member (section 106, lines 1-4 and lines 9-13) which is a second transmission path so that a plurality of paths for transmitting a signal from the second input sensors are provided for the input device (Fig. 22; sections 0105 and 0106).

Suenaga does not disclose expressly that: said first input area includes a sheet-like first input sensor which is disposed over the almost entire surface of the first input area, the first input sensor being divided into a plurality of sections; when a boundary portion between the divided sections is beaten, it is determined that the beating input is applied to any one of the sections; said sheet-like first input sensor in the first input area is divided into two sections consisting of left-side and right-side sections, the input device having means for positioning the two sections at corresponding left-side and right-side locations.

Duncan et al. teach an input device which outputs a signal by applying a beating input to a planar input area in a predetermined region (col. 1, lines 5-11; col. 2, lines 4-16; and col. 3, lines 1-35), wherein the input area includes a sheet-like input sensor which is disposed over the almost entire surface of the input area, the input sensor being divided into a plurality of sections (col. 2, lines 44-63 and col. 3, lines 51-66); when a boundary portion between the divided sections is beaten, it is determined that the beating input is applied to any one of the sections (col. 2, lines 44-63); and the

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sheet-like input sensor in the input area is divided into two sections consisting of left-side and right-side sections, the input device having means for positioning the two sections at corresponding left -side and right-side locations (col. 2, lines 44-63; col. 6, lines 19-32).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Suenaga first input sensor by the sheet sensor taught by Duncan in order to provide Suenaga with an input device having the capability of sensing two-dimensional independent fine-point or region percussion activities for better sound generation (Duncan et al., col. 1, lines 27-47).

8. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suenaga (U.S. Pub. No. 20030188629) in view of Okita (U.S. Pat. No. 6342665).

With respect to claims 8 and 15, Suenaga teaches the input device that includes the subject matter discussed above.

Suenaga does not disclose expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 1; a simulated percussion instrument for performing simulated percussion play, the simulated percussion instrument including an input device according to claim 1.

Okita discloses a game machine for playing a percussion-instrument music game, including an input device serving as rhythm input detecting means for detecting striking of the surface of a drum pad (col. 4, lines 1-32; col.6, lines 25-33). Okita further teaches a simulated percussion instrument for performing simulated percussion play,

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the simulated percussion instrument including an input device (col. 4, lines 1-32; cols. 9-10, lines 51-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Okita and Suenaga input device in order to provide a music game machine with additional means for receiving striking input operations (Suenaga, section 0030; Okita, cols. 5-6, lines 63-12), to create a more realistic gaming experience.

9. Claims 9, 11, 13, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan et al. (U.S. Pat. No. 5980096) in view of Okita (U.S. Pat. No. 6342665).

With respect to claims 9 and 16, Duncan et al. teach the input device that includes the subject matter discussed above.

Duncan et al. do not disclose expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 2; a simulated percussion instrument for performing a simulated percussion play, the simulated percussion instrument including an input device according to claim 2.

Okita discloses a game machine for playing a percussion-instrument music game, including an input device serving as rhythm input detecting means for detecting striking of the surface of a drum pad (col. 4, lines 1-32; col.6, lines 25-33). Okita further teaches a simulated percussion instrument for performing simulated percussion play,

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the simulated percussion instrument including an input device (col. 4, lines 1-32; cols. 9-10, lines 51-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Okita and Duncan input device in order to provide a music game machine with additional means for receiving striking input operations (Duncan et al., col. 1, lines 5-11; Okita, cols. 5-6, lines 63-12), to create a more realistic gaming experience.

With respect to claims 11 and 18, Duncan et al. teach the input device in accordance with claim 4.

Duncan et al. do not disclose expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 4; a simulated percussion instrument for performing a simulated percussion play, the simulated percussion instrument including an input device according to claim 4.

Okita discloses a game machine for playing a percussion-instrument music game, including an input device serving as rhythm input detecting means for detecting striking of the surface of a drum pad (col. 4, lines 1-32; col.6, lines 25-33). Okita further teaches a simulated percussion instrument for performing simulated percussion play, the simulated percussion instrument including an input device (col. 4, lines 1-32; cols. 9-10, lines 51-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Okita and Duncan input device in order

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to provide a music game machine with additional means for receiving striking input operations (Duncan et al., col. 1, lines 5-11; Okita, cols. 5-6, lines 63-12), to create a more realistic gaming experience.

With respect to claims 13 and 20, Duncan et al. teach the input device in accordance with claim 6.

Duncan et al. do not disclose expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 6; a simulated percussion instrument for performing a simulated percussion play, the simulated percussion instrument including an input device according to claim 6.

Okita discloses a game machine for playing a percussion-instrument music game, including an input device serving as rhythm input detecting means for detecting striking of the surface of a drum pad (col. 4, lines 1-32; col.6, lines 25-33). Okita further teaches a simulated percussion instrument for performing simulated percussion play, the simulated percussion instrument including an input device (col. 4, lines 1-32; cols. 9-10, lines 51-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Okita and Duncan input device in order to provide a music game machine with additional means for receiving striking input operations (Duncan et al., col. 1, lines 5-11; Okita, cols. 5-6, lines 63-12), to create a more realistic gaming experience.

10. Claims 10, 12, 14, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suenaga (U.S. Pub. No. 20030188629) in view of Duncan et al. (U.S. Pat. No. 5980096), as applied to claim 3 or 5 or 7 above above, and further in view of Okita (U.S. Pat. No. 6342665).

With respect to claims 10 and 17, Suenaga and Duncan et al. teach the input device that includes the subject matter discussed above.

The combination of Suenaga and Duncan et al. does not disclose expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 1; a simulated percussion instrument for performing simulated percussion play, the simulated percussion instrument including an input device according to claim 1.

Okita discloses a game machine for playing a percussion-instrument music game, including an input device serving as rhythm input detecting means for detecting striking of the surface of a drum pad (col. 4, lines 1-32; col.6, lines 25-33). Okita further teaches a simulated percussion instrument for performing simulated percussion play, the simulated percussion instrument including an input device (col. 4, lines 1-32; cols. 9-10, lines 51-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Okita music game machine, Suenaga and Duncan et al. input device in order to provide a music game machine with additional means for receiving striking input operations (Suenaga, section 0030; Duncan et al., col.

1, lines 5-11; and Okita, cols. 5-6, lines 63-12), to create a more realistic gaming experience.

With respect to claims 12 and 19, Suenaga and Duncan et al. teach the input device in accordance with claim 5.

The combination of Suenaga and Duncan et al. does not disclose expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 5; a simulated percussion instrument for performing a simulated percussion play, the simulated percussion instrument including an input device according to claim 5.

Okita discloses a game machine for playing a percussion-instrument music game, including an input device serving as rhythm input detecting means for detecting striking of the surface of a drum pad (col. 4, lines 1-32; col.6, lines 25-33). Okita further teaches a simulated percussion instrument for performing simulated percussion play, the simulated percussion instrument including an input device (col. 4, lines 1-32; cols. 9-10, lines 51-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Okita music game machine, Suenaga and Duncan input device in order to provide a music game machine with additional means for receiving striking input operations (Suenaga, section 0030; Duncan et al., col. 1, lines 5-11; Okita, cols. 5-6, lines 63-12), to create a more realistic gaming experience.

With respect to claims 14 and 21, Suenaga and Duncan et al. teach the input device in accordance with claim 7.

The combination of Suenaga and Duncan et al. does not disclose expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 7; a simulated percussion instrument for performing a simulated percussion play, the simulated percussion instrument including an input device according to claim 7.

Okita discloses a game machine for playing a percussion-instrument music game, including an input device serving as rhythm input detecting means for detecting striking of the surface of a drum pad (col. 4, lines 1-32; col.6, lines 25-33). Okita further teaches a simulated percussion instrument for performing simulated percussion play, the simulated percussion instrument including an input device (col. 4, lines 1-32; cols. 9-10, lines 51-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Okita music game machine, Suenaga and Duncan input device in order to provide a music game machine with additional means for receiving striking input operations (Suenaga, section 0030; Duncan et al., col. 1, lines 5-11; Okita, cols. 5-6, lines 63-12), to create a more realistic gaming experience.

Prior Art Citations

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Tanaka et al. (U. S. Pub. No. 20030061932) is entitled to "Simple electronic musical instrument, player's console and signal processing system incorporated therein".

2) Nishimoto et al. (U.S. Pub. No. 20010034014 A1) is entitled to "Physical motion state evaluation apparatus".

Contact Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jianchun Qin
Examiner
Art Unit 2837



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4/26/05